

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

FIRSTMERIT BANK, N.A., a nationally )  
chartered bank, as successor in interest to )  
MIDWEST BANK AND TRUST, an Illinois )  
banking corporation, )

Plaintiff, )

vs. )

STEWART W. MILLS and BRADLEY P. )  
GDOWSKI, not individually but solely in their )  
capacities as co-Trustees of the J.C.A. GIFT )  
TRUST DATED July 9, 1992, )

Defendants. )

Case No. 11-cv-5386

Hon. Ruben Castillo

Magistrate Judge Michael T. Mason

**FIRSTMERIT BANK, N.A.’S MOTION FOR ENTRY OF STIPULATED JUDGMENT**

Plaintiff FirstMerit Bank (“FirstMerit”), by its attorneys, Foley & Lardner LLP, hereby moves for entry of a Stipulated Judgment in its favor and against Defendants Stewart W. Mills and Bradley P. Gdowski, not individually but solely in their capacities as co-Trustees of the J.C.A. Gift Trust dated July 9, 1992 (“Defendant”), and in support states as follows:

1. FirstMerit and Defendant have settled their dispute, and Defendant has consented and agreed to the entry of a Stipulated Judgment in the amount of \$600,000.00.
2. As a condition of Defendant’s agreement to the entry of the Stipulated Judgment, FirstMerit has agreed to stay enforcement until the earlier of (1) a period of twelve months from the date of the entry of the Stipulated Judgment; or (2) the date of Defendant’s failure to make payments according to the schedule set forth in the parties’ settlement agreement.

3. If Defendant fails to make a scheduled payment, FirstMerit may seek to enforce the Stipulated Judgment, less any amounts paid pursuant to the schedule in the parties' settlement agreement, but including statutory interest on the remaining amount.

4. If Defendant complies with the payment schedule in the parties' settlement agreement, FirstMerit will file a Satisfaction and Release of the Stipulated Judgment, pursuant to Local Rule.

5. A copy of the Stipulated Judgment, executed by counsel for FirstMerit and Defendant, is attached as Exhibit 1.

WHEREFORE, FirstMerit respectfully requests that the Court: (i) grant this Motion; (ii) enter the attached Stipulated Judgment against Defendant and in favor of FirstMerit, in the amount of \$600,000.00, with enforcement stayed as provided in the Stipulated Judgment; and (iii) grant such other and further relief as the Court deems just and appropriate.

Dated: March 21, 2013

Respectfully submitted,

FIRSTMERIT BANK, N.A.

/s/ Thomas C. Hardy  
One of Its Attorneys

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